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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,731	11/30/2001	Lester D. Miller	25112A	7036

22889 7590 08/13/2003

OWENS CORNING  
2790 COLUMBUS ROAD  
GRANVILLE, OH 43023

EXAMINER

DEL SOLE, JOSEPH S

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/998,731

Applicant(s)

MILLER, LESTER D.

Examiner

Joseph S. Del Sole

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) 38-55 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-37 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-19 is/are objected to.
- 8) ☒ Claim(s) 1-55 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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## DETAILED ACTION

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-37, drawn to a combination molding apparatus, classified in class 425, subclass 453.
  - II. Claims 38-42, drawn to a molding process, classified in class 264, subclass 510.
  - III. Claims 43-55, drawn to a subcombination molding assembly, classified in class 425, subclass 353.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the apparatus as claimed can be used to practice another and materially different process such as a free-form process for molding a composite article including, spraying a gel coating, applying a resin and fiberglass mixture atop the gel coating and allowing the materials to set in the mold before removing and further processing.

3. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2)

that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination may be guided along a single, unidirectional path. The subcombination has separate utility such as a circular assembly in which the molds move in a circular pattern so that they may receive multiple layers of resin and fiberglass from the same applicator.

4. Inventions II and III are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the apparatus as claimed can be used to practice another and materially different process such as a free-form process for molding a composite article including, spraying a gel coating, applying a resin and fiberglass mixture atop the gel coating and allowing the materials to set in the mold before removing and further processing.

5. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group III or Group II, restriction for examination purposes as indicated is proper.

6. During a telephone conversation with Mr. James J. Dottavio on June 24, 2003 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-37. Affirmation of this election must be made by applicant in replying to this

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Office action. Claims 38-55 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Information Disclosure Statement***

7. The information disclosure statement filed 2/13/02 complies with the provisions of 37 CFR 1.97, 1.98 and MPEP 609. It has been placed in the application file and the information referred to therein has been considered as to its merits.

***Specification***

8. The disclosure is objected to because of the following informalities: **a)** "Figure 9 is an end plan view of the viewing station of Figure 9;" at line 9 of page 6 should be changed to --Figure 9 is an end plan view of the viewing station of Figure 8;--; **b)** "Figure 10 is a top plan view of the viewing station of Figures 9 and 10;" at line 10 of page 6 should be changed to --Figure 10 is a top plan view of the viewing station of Figures 8 and 9;--; and **c)** "Figure 11 is a cross-sectional view through lines 8-8 of Figure 7;" at line 11 of page 6 should be changed to --Figure 11 is a cross-sectional view through lines 11-11 of Figure 7--.

Appropriate correction is required.

***Claim Objections***

9. Claims 1-19 are objected to because of the following informalities: **a)** "driving individuals ones of said plurality" in line 8 of claim 1 should be changed to --driving individual ones of said plurality--. Appropriate correction is required.

***Allowable Subject Matter***

10. Claims 1-19 would be allowed if rewritten or amended to overcome the claim objection set forth in this Office action.
11. Claims 22-37 are allowed.
12. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach or suggest an apparatus having a combination of a plurality of panel molds; a spraying apparatus for applying an exterior coat to the panels; an applicator mechanism for applying resin to the panels; a guide mechanism to guide the molds through the sprayer and applicator and either a drive mechanism for independently driving the molds or an enclosure surrounding the sprayer and applicator.

***References of Interest***

13. Marshall et al (6,503,073B2), Goldsworthy et al (3,957,410), Martin et al (4,687,428), Loomis et al (1,531,296), Ingraham et al (2,664,592), Derror (3,189,971), Bulloch, Jr (3,942,926) and Bledsoe et al (2003/043373A1) are cited of interest to show the state of the art.

Marshall et al and Loomis et al each teach a guide mechanism having a mold, but fails to teach either a sprayer capable of applying an exterior coat or an applicator capable of applying resin and fiberglass. Martin et al, Derror and Goldsworthy each fail to teach guiding a mold to a sprayer and/ or an applicator. Ingraham et al teaches a guide mechanism having a mold and an applicator but fails to teach either a sprayer, a drive means for independently driving of the molds or an enclosure surrounding a

sprayer and the applicator. Bulloch, Jr teaches a guide mechanism having a mold and an applicator but fails to teach either a drive means for independently driving of the molds or an enclosure surrounding a sprayer and the applicator. Bledsoe et al fails to teach either a plurality of molds or a guide mechanism for guiding the molds. It would not have been obvious to have combined the above references.

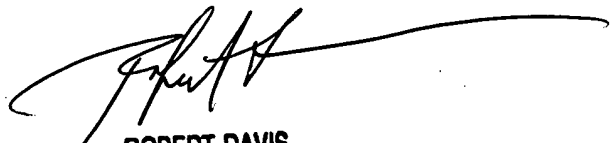
### ***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph S. Del Sole whose telephone number is (703) 308-6295. The examiner can normally be reached on Monday through Friday from 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wanda Walker, can be reached at (703) 308-0457. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for both non-after finals and for after finals.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

*Joseph S Del Sole*  
J.S.D.  
August 11, 2003

  
ROBERT DAVIS  
PRIMARY EXAMINER  
GROUP 1300-1700  
8/11/03